

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL )  
INDUSTRY AVERAGE )  
WHOLESALE PRICE LITIGATION )

MDL No. 1456  
Master File No. 1:01-CV-12257-PBS  
Sub-Category Case No. 01:08-CV-11200

THIS DOCUMENT RELATES TO: )  
*United States of America ex rel.* )  
*Ven-A-Care of the Florida Keys, Inc. v.* )  
*Baxter Healthcare Corporation and* )  
*Baxter International, Inc.* )  
 )  
*Case No. 10-CV-11186-PBS* )  
 )

Judge Patti B. Saris

**UNOPPOSED MOTION FOR LEAVE TO FILE REPLY BRIEF  
IN SUPPORT OF MOTION OF LINNETTE SUN AND  
GREG HAMILTON TO REOPEN THE JUDGMENT AND FOR A HEARING**

Linnette Sun and Greg Hamilton, *qui tam* Relators in *United States ex rel. Sun and Hamilton v. Baxter*, No. 08-CV-11200 (the "*Sun/Hamilton* case"), and Movants under Rule 60(b)(6) in this case (the "*Ven-A-Care* case"), hereby move pursuant to Local Rule 7.1(b)(3) for leave to file a reply brief of not more than 20 pages in support of their Motion to Reopen the Judgment and for a Hearing (D.E. 29). In support of their Motion, Sun and Hamilton state as follows:

1. On September 7, 2012, pursuant to the Court's invitation in a Memorandum and Order in the *Sun/Hamilton* case (D.E. 193), Movants Linnette Sun and Greg Hamilton filed in this *Ven-A-Care* case a Motion to Reopen the Judgment and for a Hearing. On October 5, 2012, Ven-A-Care and Baxter each filed separate responses to the Motion, totaling 37 pages and attaching nearly 300 pages of exhibits.

2. The context for this Motion is procedurally complex, and the ultimate issues presented are unique. Sun and Hamilton believe that in order to address the arguments raised in response to their Motion properly, they need to file a reply.

3. Ven-A-Care and Baxter have indicated that they consent to permitting Sun and Hamilton to file a reply of not more than 20 pages.

WHEREFORE, Relators Linnette Sun and Greg Hamilton seek leave of Court to file a 20-page Reply Brief to respond to arguments made in Ven-A-Care's and Baxter's responses, and that they be granted thirty (30) days, until and including November 12, 2012, to do so.

Dated: October 11, 2012

Respectfully submitted,

LINETTE SUN and GREG HAMILTON

By /s/ David J. Chizewer

One of Their Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on October 11, 2012, he caused a true and correct copy of the foregoing **UNOPPOSED MOTION FOR LEAVE TO FILE REPLY BRIEF IN SUPPORT OF MOTION OF LINNETTE SUN AND GREG HAMILTON TO REOPEN THE JUDGMENT AND FOR A HEARING** to be served via the Court's ECF/electronic mailing system and LexisNexis File & Serve upon all parties of record.

/s/ David J. Chizewer

David J. Chizewer